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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,712	05/01/2001	John Todd Bergman	1420.002US1	3823
21186	7590	10/18/2005	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH 1600 TCF TOWER 121 SOUTH EIGHT STREET MINNEAPOLIS, MN 55402			PREVIL, DANIEL	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/845,712

Applicant(s)

BERGMAN ET AL.

Examiner

Daniel Previl

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18, 19 and 27-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33-37 is/are allowed.
- 6) ☒ Claim(s) 1-16, 18, 19 and 27-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

This action is responsive to communication filed on may 9, 2005.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6, 8-12, 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman (US 5,686,885) in view of Di Santo et al. (US 6,430,691).

Regarding claim 1, Bergman discloses a hone interface device (fig. 2, ref. 56) comprising: a receiver to receive a wireless signal from a control panel that receives signals from at least two sensors and that determines whether to send an alarm report to phone interface device, wherein the wireless signal from the control panel encodes information regarding a sensor event monitored by a monitoring station (fig. 2; col. 4, lines 1-23); a power supply comprising a telephone line (col. 10, lines 60-63).

Bergman discloses every feature of the claimed invention but fails to explicitly disclose a phone port to connect to a telephone line and to receive configuration data from the monitoring station, wherein the phone-interface device including the receiver and the phone port is a device separate than the control panel that receives the signals from the at least two sensors.

However, Di Santo discloses a phone port (phone port 80) (col. 3, line 3) to connect to a telephone line (line 70) (fig. 1, ref. 70) and to receive configuration data from the monitoring station (computer 40), wherein the phone-interface device 160 including the receiver (receiver inherently included in the phone interface 160) (fig. 2), and the phone port is a device separate than the control panel that receives the signals from the at least two sensors (fig. 1-fig. 2; col. 3, lines 1-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Di Santo's phone port in Bergman. Doing so would modify Bergman's system with Di Santo's phone port to alert means for notification of a central station quickly or efficiently in case a fire or any event that could endanger people safety thereby ensuring the security of the users as taught by Di Santo (col. 1, lines 13-50).

Regarding claims 2, 3, 6, Bergman discloses a memory (inherently included in the system controller 14) to contain data received from the control panel (central station 37) (col. 4, lines 10-23).

Regarding claim 8, Bergman a phone interface device (fig. 2) comprising: the monitoring station monitors a sensor event based on signals generated by a sensor (abstract); a transmitter 36 configured to send the configuration data via a wireless signal to control panel ,wherein the control panel is configured to receive the signals from the sensor and the phone interface including the transmitter (fig. 2); a power supply comprising a telephone line (col. 10, lines 60-63).

Bergman discloses every feature of the claimed invention but fails to explicitly disclose a phone port configured to connect to a telephone line and to receive configuration data from a monitoring station; the phone port is a device separate than the control panel that receives the signals from the sensor.

However, Di Santo discloses a phone port configured to connect to a telephone line and to receive configuration data from a monitoring station (fig. 1-fig. 2; the phone port is a device separate than the control panel that receives the signals from the sensor (fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Di Santo's phone port in Bergman. Doing so would modify Bergman's system with Di Santo's phone port to alert means for notification of a central station quickly or efficiently in case a fire or any event that could endanger people safety as taught by Di Santo (col. 1, lines 12-50).

Regarding claim 9, Bergman discloses a memory (inherently included in the system controller 14) to contain data received from the control panel (central station 37) (col. 4, lines 10-23).

Regarding claim 10, Bergman and Di Santo disclose all the limitations in claim 8 and Di Santo further a control panel while the phone port is on hook (col. 3, lines 65-66). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Di Santo

in Bergman. Doing so would secure a better communication as taught by Di Santo (col. 4, lines 1-13).

Regarding claim 11, Bergman and Di Santo disclose all the limitations in claim 8 and Di Santo further discloses a control panel while the phone port is off hook (col. 3, line 66). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Di Santo in Bergman in order to secure a better communication as taught by Di Santo (col. 4, lines 1-13).

Regarding claim 12, Bergman and Di Santo disclose all the limitations in claim 8 and Di Santo further teaches the phone port is to call a designated device to report success or failure of transmission of the configuration data (permit direct communication) (col. 3, lines 1-12). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Di Santo in Bergman in order to ensure a better communication as taught by Di Santo (col. 4, lines 1-13).

Regarding claims 27, 30, Bergman discloses power supply further comprises a battery (fig. 1, ref. 30).

Regarding claims 28, 31, Bergman discloses the power supply is supplied to the phone interface through the phone line and a battery (fig. 1).

Regarding claims 29, 32, Bergman discloses phone interface power is different from a power supply of the control panel (col. 4, lines 64-67; col. 5, 19-28).

3. Claims 4-5, 7, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman in view of Di Santo and further in view of Rubbmark et al. (US 6,012,105).

Regarding claims 4, 7, Bergman and Di Santo discloses all the limitations in claim 1 but fail to explicitly disclose a first data rate between the phone interface device and the control panel is too slow to accommodate a second data rate between the phone interface and the monitoring station.

However, Rubbmark discloses the control panel is too slow to accommodate a second data rate between the phone interface device and the monitoring station (col. 6, lines 6-34).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching Rubbmark's slow transfer rate in Bergman and Di Santo. Doing so would modify Bergman and Di Santo's system in Rubbmark's slow transfer rate in order to prevent interference in the system thereby increasing the system performance for economical purposes as taught by Rubbmark (col. 2, lines 1-15).

Regarding claim 5, Bergman discloses the controller is to buffer the data in the memory (inherently included in the system controller 14) in anticipation of the memory station requesting the data (col. 4, lines 10-23).

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4. Claims 13-16, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman in view of Di Santo as applied to claim 8 above, and further in view of McClure (US 5,923,731).

Regarding claim 13, Bergman and Di Santo disclose all the limitations in claim 8 but fail to explicitly disclose the configuration data is tones, said transmitter configured to relay the tones to the control panel via the wireless signal.

However, McClure discloses a phone port to receive tones from a telephone (this circuit allows for the reception of DTMF tones from the telephone line via a handset through jack J4 31) (col. 5, lines 61-65); a transmitter to relay the tones to a control panel via a wireless signal (DTMF transceivers are converted tones for transmission to the alarm company) (col. 5, lines 60-67, col. 6, lines 1-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of McClure in Bergman and Di Santo. Doing so would alert means for notification of a central station quickly or efficiently in case a fire or any event that could endanger people safety as taught by McClure (abstract).

Regarding claim 14, Bergman and Di Santo disclose all the limitations in claim 8 but fail to explicitly disclose the tones are DTMF tones.

However, McClure discloses the tones are DTMF tones (col. 5, lines 61-63).



Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of McClure in Bergman and Di Santo. Doing so would alert means for notification of a central station quickly or efficiently in case a fire or any event that could endanger people safety as taught by McClure (abstract).

Regarding claim 15, the above combination discloses all the limitations in claim 8 and Di Santo further teaches the telephone and the telephone part are on the same premises (fig. 1). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Di Santo in Bergman. Doing so would alert means for notification of a central station quickly or efficiently in case a fire or any event that could endanger people safety as taught by Di Santo (col. 1, lines 12-49).

Regarding claim 16, the above combination discloses all the limitations in claim 8 and Di Santo further teaches the telephone is off-premises from the phone-interface device (col. 3, lines 65-67). Therefore, Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Di Santo in Bergman. Doing so would alert means for notification of a central station quickly or efficiently in case a fire or any event that could endanger people safety as taught by Di Santo (col. 1, lines 12-49).

Regarding claim 18, Bergman and Di Santo disclose all the limitations in claim 8 but fail to explicitly disclose the sensor senses a trouble condition at the phone-interface device.

However, McClure teaches a sensor to sense a trouble condition at the phone interface device (a detector detects circumstances such as cut telephone lines and off-hook condition) (col. 2, lines 51-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of McClure in Bergman and Di Santo. Doing so would alert means for notification of a central station quickly or efficiently in case a fire or any event that could endanger people safety as taught by McClure (abstract).

Regarding claim 19, Bergman and Di Santo disclose all the limitations in claim 8 but fail to explicitly disclose the trouble condition comprises at least one of phone removal, cover removal, removal from mounting, low battery and power supply trouble.

However, McClure teaches the trouble condition comprises phone line removal (cut telephone lines) (col. 2, line 52).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of McClure in Bergman and Di Santo. Doing so would alert means for notification of a central station quickly or efficiently in case a fire or any event that could endanger people safety as taught by McClure (abstract).

***Response to Arguments***

Applicant's arguments with respect to claims 1-16, 18-19, 27-37 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

5. Claims 33-37 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter: In combination with all the limitations in the claim, the prior arts fail to disclose or make obvious: the phone interface device is not fast enough to keep up with the data transfer rate of the data to be transmitted from the phone port, then the data is transferred from the memory to the phone port at a data transfer approximately equal to the data transfer rate of the phone port; if the wireless link is fast enough to keep up with the data transfer rate of the data to be transmitted from the phone port, the data is transferred real time from the control panel to the phone port at the data transfer rate of the data to be transmitted from the phone port; transmit and receive a provisional alarm upon activation of the entry sensor.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Lebowitz et al. (US 6,075,451) discloses a RF cellular technology network transmission system for remote monitoring equipment.

Ladha et al. (US 5,517,547) discloses an alarm panel cellular telephone backup.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is (571) 272-2971. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571 273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Previl  
Examiner  
Art Unit 2636

DP  
October 5, 2005.

  
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